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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/916,725 | 07/26/2001 | Todd A. Edwards | A-69861/ENB | 9438 |

7590

09/27/2005

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| EXAMINER |
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NOVOSAD, JENNIFER ELEANORE

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| ART UNIT | PAPER NUMBER |
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3634

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,725

Applicant(s)

EDWARDS, TODD A.

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,11-17,25-30 and 37-41 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,6,8,11-17,26,27,38 and 41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5,25,28-30,37,39 and 40 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

At the outset, it is noted that the examiner of record in this application has changed.

Please direct all future correspondences concerning this application to primary Examiner Jennifer E. Novosad, Art Unit 3634.

Election/Restriction

Claims 2, 4, 6, 8, 11-17, 26, 27, 38, and 41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, i.e., Figures 1-4, there being no allowable generic or linking claim. Election was made **without** traverse in the Office action filed on July 10, 2002.

It is noted that claims 6, 8, 26, and 27 were previously withdrawn in the Office action mailed June 15, 2004.

It is further noted that claim 41 was added and the dependencies of claims 2, 4, and 6 were changed in the amendment filed October 19, 2004.

However, in the Office action mailed June 15, 2004, it is noted that the previous examiner (Examiner Khoa Tran) incorrectly examined claims 11-17 which were drawn to the non-elected species of Figures 1-4. *In particular*, claims 1-4 do not show "inclined" side portions (see line 4 of claim 11). Only non-elected Figure 8 shows such a feature. *Similarly*, claims 26 and 41 contain the structure of the "inclined" portions not present in the elected species.

Further, in the Office action mailed January 18, 2005, the previous examiner (Examiner Bruce Lev) incorrectly examined claims 11-17 as Examiner Tran had done. *In addition*,

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Examiner Lev also incorrectly examined claims 2, 4, 6, 8, 26, 27, 38, and 41 which should have withdrawn as being drawn to a non-elected species.

Thus, this application is in condition for allowance except for the presence of claims 2, 4, 6, 8, 11-17, 26, 27, 38, and 41 to a species non-elected without traverse filed in the Office action mailed on July 10, 2002. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

Allowable Subject Matter

Claims 1, 3, 5, 37; **25**, 28-30, 39, and 40 are allowed.

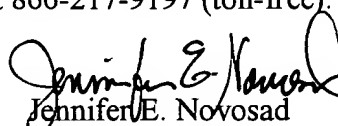
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

September 19, 2005